
EXHIBIT 12

March 19, 2019

VIA EMAIL

Mr. Patrick Pulupa, Executive Officer
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670
Patrick.Pulupa@waterboards.ca.gov

Ms. Jessica Jahr, Regional Board Counsel
State Water Board, Office of Chief Counsel
P.O. Box 100, Sacramento, CA 95812
Jessica.Jahr@waterboards.ca.gov

Re: Objections to Hearing Procedures
Client-Matter No. 43657.00000

Dear Mr. Pulupa and Ms. Jahr:

Designated Party Valley Water Management Company ("Valley Water") was hoping that the Regional Board would have discussed potential dates with us before providing yesterday's Supplemental Notice of Public Hearing to avoid the need for objections. However, since that did not occur, we present the following objections to the proposed Hearing Procedures issued via email on March 18, 2019:

1) Valley Water objects to the revised Hearing Procedures not allowing additional time for Valley Water to review the Regional Board's evidence, witness list, and proposed testimony, and to compile and present necessary data recently collected in February and all evidence for the upcoming hearing. The current date of March 29th is problematic for Valley Water because this date provides inadequate time for the extensive preparation required, and because key people for Valley Water are unavailable to work on this submission on March 28th due to CV-SALTS, and March 29th due to an all-day site visit with Regional Board staff in Atwater on another matter. For this reason, Valley Water requests an extension until April 10th, 2019. This date still provides the Regional Board with adequate time to provide its response to comments.

2) Valley Water would also request that the other dates be modified slightly to allow Valley Water more than one week to prepare and provide rebuttal evidence. The following schedule would provide that additional time, while still allowing two weeks before the hearing for the Board members to have access to all submitted documents:

VWMC Provides Evidence/Comments, List of Witnesses and Subjects of Testimony	April 10, 2019
Regional Board posts Response to Comments on Website	May 10, 2019
VWMC Rebuttal Comments/Evidence Due	May 24, 2019

3) Valley Water requests that the hearing for this matter be held on Friday, June 7th, instead of potentially being held on Thursday, June 6th to accommodate travel schedules. If this cannot be accommodated, we request that the hearing be delayed until the August 1-2 meeting and that the hearing schedule for submissions be extended accordingly.

Valley Water appreciates your assistance in granting these minor requested changes to the schedule to provide more fairness and equity to the hearing procedures.

Respectfully submitted,

DOWNEY BRAND LLP



Melissa A. Thorne

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cc: Clay Rodgers, Asst. Ex. Officer
1685 E Street, Suite 200
Fresno, CA 93706
Clay.Rodgers@waterboards.ca.gov

Jason Meadors, Manager, Valley Water
Jean Pledger, General Counsel for Valley Water

Central Valley Regional Water Quality Control Board

Revised 22 March 2019

18 March 2019

Ms. Melissa A. Thorme
Downey Brand LLP
621 Capital Mall, 18th Floor
Sacramento, CA 95814

Via Email

Supplemental Notice of Public Hearing

Cease and Desist Order
For
Valley Water Management Company
McKittrick 1 & 1-3 Facility, Kern County

Ms. Thorme,

The Central Valley Water Board intends to afford Valley Water Management Company ("VWMC") the full opportunity to be heard at the June hearing. The notice issued with the draft Cease and Desist Order ("Order") on 25 February 2019 did not specify that the hearing would be conducted as an "informal" hearing; all procedures required under applicable regulations for regular adjudicative proceedings will apply. These procedures can be found on the Board's website at: https://www.waterboards.ca.gov/centralvalley/board_info/meetings/mtgprocd.html. VWMC, as the party named in the Order, will have the opportunity to present testimony, cross-examine witnesses, and present a closing statement.

Furthermore, the evidence that the Board is relying upon to issue the permit was presented to VWMC when the draft CDO was circulated for public comment on 25 February 2019 – it is contained in the Board's Staff Report, including the appendices and the documents referenced therein. As per the notice, VWMC is being afforded the opportunity to present "testimony, evidence and/or comments in writing to the Central Valley Water Board no later than **5:00 p.m. on 29 March 2019.**" (This is also the deadline that applies to all commenters that wish to submit policy statements and recommendations to the Board.)

You have also requested the opportunity to provide rebuttal testimony, which is allowed under applicable regulations. (Cal. Code Regs., tit. 23, § 648.4, subd. (f).) In order to respond to VWMC's request, and to ensure an orderly consideration of the pending matter, the following deadlines will apply to the hearing.

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

1685 E Street, Fresno, CA 93706 | www.waterboards.ca.gov/centralvalley

Ms. Melissa A. Thorne
Downey Brand LLP

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18 March 2019

Board Provides Evidence Relied Upon for CDO:	25 February 2019 (past)
Board Provides List of Witnesses and Subject(s) of Witness Testimony:	18 March 2019
VWMC and all Commenters Provide Testimony, Evidence and/or Comments in Writing to the Board, along with a List of Witnesses and Subject(s) of Testimony:	8 April 2019 by 5:00 p.m. 29 March 2019 (original deadline)
Regional Board Posts Responses to Comments on Tentative Webpage (https://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/):	13 May 2019
Rebuttal Comments and/or Evidence Due:	20 May 2019

Lastly, any requests for time at the hearing should be made by the **29 March 2019** deadline.

Enclosed is the Central Valley Water Board's proposed witness list. If you have any questions regarding these matters, please contact Jessica Jahr at (916) 341-5168.



CLAY L. RODGERS
Assistant Executive Officer

Attachments: Native American Tribal Government Consultation List Kern County
Concerned Persons and Agencies List

Enclosure: Central Valley Water Board Witness List